

REMARKS

I. Status of the Application

In view of the above amendments and the following remarks, reconsideration of the rejections set forth in the Office Action of March 12, 2010 is respectfully requested.

By this amendment, claims 1, 30, and 31 have been amended and claims 32 and 33 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 1-15, 17-19, 21-25, 30-31, and 34 are now pending in the application. No new matter has been added by these amendments.

II. Interview of May 25, 2010

Applicants thank the Examiner for taking the time to conduct the telephone interview of May 25, 2010. In that interview, the prior art rejection of claim 1 and the comments on page 2 of the Office Action were discussed. More particularly, on page 2 of the Office Action it is asserted that the claimed configuration would be achieved by modifying the measuring cup (6) of the Hale reference to be made out of two pieces rather than a single piece. However, Applicants pointed out in the interview that the measuring cup of Hale has an open end opposing the wall (9), as shown in figure 5 and described in lines 90-93 on page 1 of the Hale reference, and thus the modification suggested by the Examiner would not yield the claimed configuration of the present invention. In response, the Examiner indicated that he believed that other prior art discloses the claimed configuration, and thus further claim amendments would be necessary to distinguish claim 1 over the prior art.

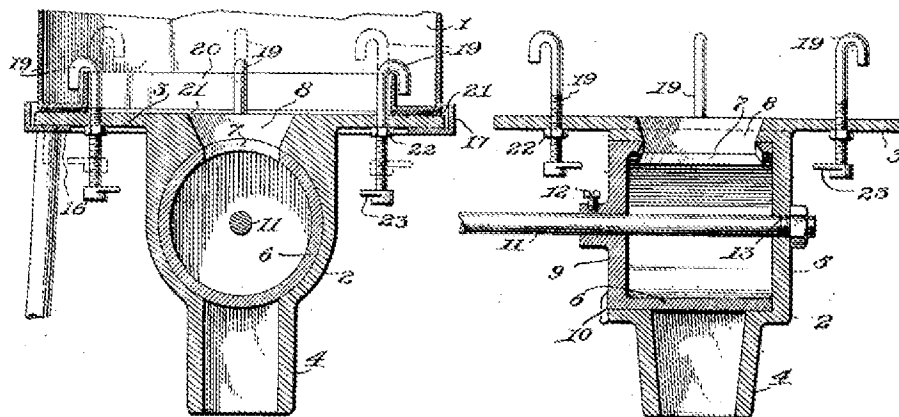
III. Prior Art Rejections and Allowable Subject Matter

Currently, claims 1, 3-7, 9, 10, and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Riley et al. (US 5,348,061) in view of Hale (US 1,438,595).

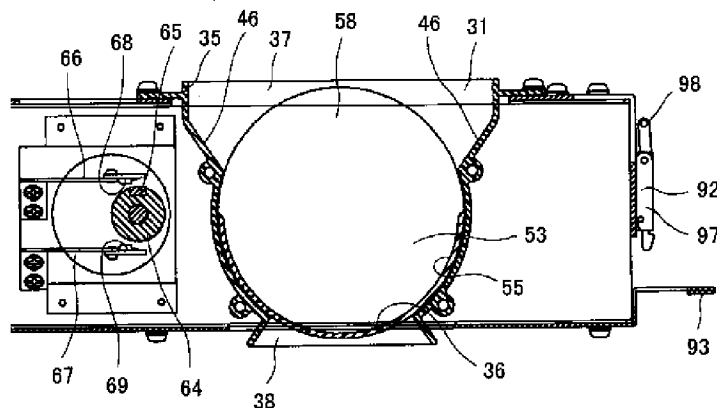
It is submitted that the present invention, as defined in the amended claims, is now clearly distinguished over the applied prior art references for the following reasons. Claim 1 recites a drug dispenser to be positioned downstream of a drug feeder, the drug dispenser being adapted to receive solid drugs from the drug feeder, to temporarily accumulate the drugs, and to discharge the accumulated drugs, the drug dispenser comprising: a receptacle having an open top and a bottom adapted to be opened and closed, said receptacle including an outer receptacle portion and an inner receptacle portion, wherein said inner receptacle portion includes a first movable wall, a second movable wall, and a peripheral wall connecting said first movable wall and said second movable wall, each of said first movable wall, said peripheral wall, and said second movable wall being adapted to move when the bottom of said receptacle is opened, wherein said first movable wall opposes said second movable wall, wherein said inner receptacle portion is rotatably disposed in said outer receptacle portion such that a cavity is formed in said receptacle for accumulating drugs therein, wherein said outer receptacle portion includes an arcuate surface, a first opening formed in said arcuate surface at a top of said outer receptacle portion, and a second opening formed in said arcuate surface at a bottom of said outer receptacle portion, wherein said outer receptacle portion has an expanded portion extending below said second opening, said expanded portion forming a skirt-like portion which expands in a direction extending away from said second opening for preventing tablets or capsules from sticking in said receptacle, wherein said inner receptacle portion has an opening formed in said peripheral wall, said opening extending from said first movable wall to said second movable wall, and wherein

the central angle defined by the edges of the opening in said peripheral wall of said inner receptacle portion is greater than the central angle defined by the edges of said first opening of said outer receptacle portion.

As seen in figures 2 and 3 of Hale, the central angle of the measuring cup (6) appears to be identical to that of the body (2). Because Hale does not disclose a configuration in which the central angle defined by the edges of the opening in the peripheral wall of the inner receptacle portion is greater than the central angle defined by the edges of the first opening of the outer receptacle portion, Hale cannot meet the requirements of claim 1. Moreover, the discharging nozzle (4) of Hale does not expand in a direction away from the measuring cup (6), but rather appears to have a uniform width as it extends away from the measuring cup in figure 2 and a contracting width as it extends away from the measuring cup in figure 3. Because Hale does not disclose the outer receptacle portion having an expanded portion extending below the second opening, the expanded portion forming a skirt-like portion which expands in a direction extending away from the second opening for preventing tablets or capsules from sticking in the receptacle, Hale cannot meet the requirements of claim 1.



Figures 2 and 3 of Hale (US 1,438,595)



Truncated Figure 8 of the Present Application

As discussed in detail in the specification, the claimed configuration of the present application provides significant advantages over the prior art. Specifically, the present invention provides a drug dispenser which accumulates and dispenses drugs reliably, preventing tablets or capsules from becoming stuck in the receptacle. Accordingly, Applicants submit that the above-discussed claim limitations are critical to the present invention and result in significant advantages which are not achieved in the prior art of record.

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claim 1. It is thus submitted that the invention of the present application, as defined in claim 1, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

Claims 3-7, 9, 10, 30, and 31 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. As indicated on page 3 of the Office Action, all of the remaining claims have been allowed.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in

condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

Shoji YUYAMA et al.

By /Andrew D. St.Clair/

Digitally signed by /Andrew D. St.Clair/
DN: cn=/Andrew D. St.Clair/, o, ou,
email=astclair@wenderoth.com, c=US
Date: 2010.06.07 12:48:18 -04'00'

Andrew D. St.Clair
Registration No. 58,739
Attorney for Applicants

ADS/rgf
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 7, 2010